

Chapter C. County Charter

CHARTER OF WICOMICO COUNTY, MARYLAND⁽¹⁾

PREAMBLE

We, the people of Wicomico County in the State of Maryland, in accordance with the provisions of Article XI-A of the Constitution of Maryland and the general laws of Maryland, do adopt and establish as our Charter and form of government this Charter of Wicomico County, Maryland.

[1]

Editor's Note: The preamble to Res. No. 579, which amended the Charter of Wicomico County (originally adopted 12-3-1964 by Res. No. 1) to establish an elected executive form of government, adopted 8-3-2004, read as follows:

"WHEREAS, the County Council of Wicomico County, Maryland, having previously appointed a Charter Review Committee, on February 25, 2003 charged the committee with drafting a revised Charter to effectuate a change to a County Executive form of government; and

"WHEREAS, the Charter Review Committee held numerous public meetings from February 2003 thru December of 2003; heard presentations from experts on county government in Maryland; received testimony and comments from past and present members of the County Council and following extensive deliberations, submitted its final report dated January 16, 2004; and

"WHEREAS, the County Council, having reviewed the recommendations of the Charter Review Committee and having proposed further amendments to the Charter, now desires to submit proposed revisions of the Charter to the citizens of the County for consideration at the next general or congressional election in accordance with the provisions of the Charter and the recommendation of the Charter Review Committee.

"NOW THEREFORE, BE IT RESOLVED THIS 3rd day of August, 2004, pursuant to the authority granted the County Council of Wicomico County, Maryland by Article XI-A, Section 5 of the Constitution of Maryland and Article XI, Section 1102 of the Charter of Wicomico County, Maryland that the Charter of Wicomico County be amended to read as follows:"

Article I. Name and Rights of the County

Section 101. Body corporate and politic.

Wicomico County as it now exists constitutes a body corporate and politic. Under this Charter it shall have all rights and powers of local self-government and home rule as are now or may hereafter be provided or necessarily implied by this Charter and by the Constitution and laws of the State of Maryland.

Section 102. Exercise of powers.

The power mentioned in the preceding section shall be exercised only by the County Council, the County Executive, and other officers, agents, and employees of the county acting under their respective authorities or under such other authority as may be provided by this Charter or the laws of this state.

Section 103. Name and boundaries.

The corporate name shall be "Wicomico County, Maryland," and it shall thus be designated in all actions and proceedings touching its rights, powers, properties, liabilities and duties. Its boundaries and county seat shall be and remain as they are at the time this Charter takes effect, unless otherwise changed in accordance with law.

Article II. County Council

Section 201. Compositions and districts.

There shall be a County Council of Wicomico County, Maryland composed of seven (7) members, five (5) of whom shall be elected from a different Councilmanic District and two (2) of whom shall be elected from the county at large.

A.

Composition. Wicomico County, Maryland, shall be divided into five (5) Councilmanic Districts, numbered one (1) through five (5). The qualified voters of each of such districts shall elect a resident of that district to serve as a member of the Wicomico County Council. All of the qualified voters of the county shall vote at large for the remaining two (2) members of the Wicomico County Council. The members shall be nominated and elected by the qualified voters of the county at the same time as the members of the General Assembly are or may be elected under the laws of Maryland from time to time.

B.

Districting procedure. The boundaries of Councilmanic Districts shall be established within two years after the publication of the Decennial Census figures of the United States Bureau of the Census.^[1]

1.

Whenever district boundaries are to be established or re-established, the County Council shall appoint, not later than February 15 of the year prior to the year in which redistricting is to be effective, a redistricting commission. By September 1, the redistricting commission shall prepare, publish and make available to the public a plan of the proposed councilmanic districts and shall present that plan to the County Council. The plan shall provide for councilmanic districts that are reasonably compact, contiguous and substantially equal in population.

2.

No less than fifteen (15) calendar days and no more than forty-five (45) calendar days after receiving the plan of the commission the Council shall hold a public hearing on the plan.

3.

Following the public hearing, the Council may adopt the plan as presented or may make any modifications or amendments to the plan.

4.

Seventy (70) days following presentation of the commission's plan, the plan as finally adopted by the County Council shall become law.^[2]

[2]

Note: It is the intent of the Council to establish a Redistricting Commission to initially propose a Redistricting plan. After Public Hearing the Council may adopt the Commission's Plan, or may adopt revisions. However the time at which the Redistricting Plan as finally adopted becomes law is based on the original presentation of the Commission's Plan.

[1]

Note: Original language: "in 1989 and reestablished in 1992 and every 10th year thereafter."

Section 202. Qualifications.

A.

Qualified voter. No person shall be eligible for election to the office of member of the County Council, or hold such office, unless he is a qualified voter of the county.

B.

Appointments. No member, former member or member-elect of the Council shall be eligible for appointment to any compensated county office, position or employment, except the Office of County Executive, during the period beginning with the date of his election to the County Council and ending not less than one (1) year after the expiration of the term for which he was elected to the Council or resignation therefrom.

C.

Other offices. No person shall hold office as a member of the County Council while he holds any other office or employment for profit of or under the state or county.

D.

Forfeiture. If a member of the County Council ceases to be a qualified voter of the county or is convicted of a crime involving moral turpitude, he shall immediately forfeit his office.

E.

Change in residence. During his term of office, if any member of the County Council who is elected from a Councilmanic District, shall move his residence from the Councilmanic District in which he resided at the time of his election, he shall have been deemed to have resigned from office; but no member of the County Council shall be required to vacate his office by reason of any change in the boundary lines of his Councilmanic District made during his term. If any member of the County Council shall move his residence out of the county he shall have been deemed to have resigned his office.

Section 203. Term of office.

Members of the County Council shall hold office for terms of four (4) years and until their successors shall qualify. They shall qualify on the first Tuesday in December following their election, or as soon thereafter as practicable, and shall enter upon the duties of their office immediately upon their qualification, except that the terms of the members of the first County Council shall extend only to the next quadrennial election and until their successors have qualified for office.

Section 204. Compensation.

A.

Expense allowance. Each member shall receive allowances for traveling and any other necessary expenses actually incurred in the exercise of his official duties, as provided in the expense budget adopted by the Council.

B.

Compensation and allowance commission. The County Council shall establish by law a commission empowered to recommend to the County Council compensation and allowances to be paid to the members of the County Council and County Executive.

1.

When established, the commission shall set the compensation and allowances within fifteen (15) days after the beginning of the fourth (4th) year of the term of each Council. The commission by resolution shall submit its determination for compensation and allowances to the County Council. The commission may recommend an increase or decrease in the compensation paid to members of the County Council.

2.

Upon receiving the resolution, the Council may approve, reduce or reject the commission's recommendation, but it shall not increase any item in the resolution.

3.

The recommendations contained in the resolution shall become effective upon the adoption by the Council of a bill encompassing the recommendations, but the salary specified at the time a Council takes office shall not change for that period during which the Council was elected.

4.

The bill making any change in the salary paid to members of the County Council shall be adopted prior to the election for the members of the next succeeding Council and take effect only for the members of the next succeeding Council.

Section 205. Vacancies.

[Amended 8-7-2012 by Res. No. 131-2012; 8-2-2016 by Res. No. 101-2016]

A.

One (1), two (2) or three (3) vacancies. One (1), two (2) or three (3) vacancies occurring simultaneously in the office of the County Council prior to the expiration of the term thereof shall be filled by a qualified person or persons within

forty-five (45) days after the vacancy occurs by the County Council, by election by majority vote of the remaining members thereof, from a list of four (4) persons for each vacancy to be submitted to said County Council in writing by the local State Central Committee of the political party with which the respective Councilman or Councilmen so vacating have been affiliated. The nominees or appointees shall be of the same political party and from the same councilmanic district as the person or persons whose office or offices are to be filled or from any district if the vacancy is from a council-member elected at large. Unless there is a special election as described in Section 206 to fill the seat, any member so elected shall serve for the unexpired term of his predecessor in office and until his successor shall qualify.

B.

More than three (3) vacancies. If more than three (3) vacancies occur in the County Council simultaneously and prior to the expiration of their terms, the vacancies shall be filled within thirty (30) days by the Governor of the State of Maryland, who shall appoint the persons to fill such vacancies whose names shall be submitted to him in writing by the local State Central Committee of the political party with which the respective County Councilman, or Councilmen, so vacating has been affiliated. The nominees or appointees shall be of the same political party as the persons whose offices are to be filled. Unless there is a special election as described in Section 206 to fill the seat, any member so appointed shall serve for the unexpired term of his predecessor in office and until his successor shall qualify.

Section 206. Special election to fill Council vacancy.

[Added 8-2-2016 by Res. No. 101-2016]

Any person appointed pursuant to Section 205 more than 30 days prior to the filing deadline for the primary of an election for President of the United States shall serve until the first Tuesday in December following the general election for said President, and a special election shall be held contemporaneous with the primary and general of said presidential election to fill the balance of said term at which any qualified candidate may file.

Article III. The Legislative Branch

Section 301. Composition.

The legislative branch of the County government shall consist of the County Council, hereinafter referred to as the Council, and the officers and employees thereof.

Section 302. Legislative powers.

All legislative powers which may be exercised by Wicomico County under the Constitution and laws of Maryland, including all law making powers heretofore exercised by the General Assembly of Maryland but transferred to the people of the county by virtue of the adoption of a Charter in 1967, shall be vested in the Council.

Section 303. Officers.

At its first meeting in December of each year, the Council shall elect from among its members, by a vote of the majority of the total number of Council members established by this Charter, a President and a Vice-President. The President, or in his absence the Vice-President, shall, establish the agenda and preside at all meetings. On all questions before the Council the President and Vice-President shall have and may exercise the vote to which each is entitled as a Council member.

Section 304. Council Administrator and special assistance.

A.

Council Administrator. There shall be a Council Administrator who shall keep minutes of its meetings, maintain its journal, and perform such other duties as the Council may direct. The Council Administrator shall serve at the pleasure of the Council and shall receive such compensation as the Council may determine.

B.

Other staff. There may be such other officers or staff of the Council, so long as such positions are funded in the Council's operating budget. Such officers or staff shall perform duties and functions not inconsistent with those assigned to the legislative branch by this Charter.

C.

Experts, consultants, attorneys. The Council may at its discretion, and subject to the provisions in its budget or supplementary appropriation, by resolution engage the services of experts, consultants or attorneys to aid it in its inquiries, investigations or the drafting or codification of legislation.

Section 305. County Internal Auditor.

A.

County Internal Auditor. The Council shall appoint a County Internal Auditor who shall serve at the pleasure of the Council and shall receive such compensation as the Council may determine. The County Internal Auditor shall be a currently certified: auditor (CIA or CISA), fraud examiner (CFE), or public accountant (CPA) licensed for the practice of his or her profession under the laws of this state. Inactive but previously certified candidates may be considered and hired on a conditional basis subject to regaining qualifications.

[Amended 7-20-2010 by Res. No. 112-2010]

B.

Exemptions. The Council may exempt on an annual basis those agencies whose entire records, accounts, and affairs are completely audited each year and may, for good cause, grant an extension to submit the financial audit.

C.

Special Audits. Either the County Council or the County Executive may at any time order the examination or audit of the accounts of any agency or organization that receives or disburses county funds. The County Internal Auditor shall report the results of his/her audit to the County Executive and the County Council, and copies shall be made available to the public no later than three months after the completion of the audit. If, as a result of any such audit, an officer shall be found to be indebted to the county, the County Executive shall proceed forthwith to collect the indebtedness. All actions of the County Council pursuant to this section shall be exempt from the executive veto.

D.

Auditor's duties. The County Internal Auditor shall prepare and submit to the County Council and the County Executive reports in internal accounting control, administrative and operating practices and procedures, and other pertinent financial and compliance matters. The County Internal Auditor's duties may include operational and performance auditing of any office, department or agency funded in whole or in part by county funds, as assigned and directed by a majority of the County Council by resolution.

E.

Inspection. All records and files pertaining to the receipt and expenditure of county funds by all officers, agents, and employees of the county, and all records and files pertaining to management and performance of the functions and activities of any office, department, or agency funded in whole or in part by county funds, and all offices, departments, institutions, boards, commissions, and other agencies thereof shall at all times be open to the inspection of the County Internal Auditor. The County Internal Auditor shall immediately notify the County Council at its next legislative session-day and shall immediately notify the County Executive of any irregular or improper procedure which he may discover.

F.

Council authority. The County Council shall have the power to implement the provisions of this section and to assign additional functions, duties, and personnel to the County Internal Auditor not inconsistent with those provided herein. All actions of the County Council pursuant to this section shall be exempt from the executive veto.

Section 306. Action by Council.

In all of its functions and deliberations, the County Council shall act as a body and shall have no power to create standing committees or to delegate any of its functions and duties to a smaller number of its members than the whole. A majority of the total number of Council Members established by this Charter must be physically present to constitute a quorum.

Section 307. Enumerated powers not to be exclusive.

The enumeration of powers in this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated therein, implied therein or appropriate to the exercise thereof, the County Council shall have and may exercise all legislative powers which, under the Constitution and laws of this state, it would be competent for this Charter specifically to enumerate.

Section 308. Limitation on exercise of County Council's powers.

In the exercise of all its powers, the County Council shall be subject to the express limitations imposed by this Charter and by all applicable provisions of the Constitution and laws of this state.

Section 309. Legislative powers of County Council.

A.

Vested powers. The County Council shall be the elected legislative body of the county and shall be vested with all the law-making powers thereof. The County Council is authorized to enact public local laws for the county and to repeal or amend such local laws as have heretofore been enacted by the General Assembly of Maryland upon matters covered by the Express Powers Act of 1918 (Article 25A of the Annotated Code of Maryland, 1957 Edition) and are now in force or hereafter amended.

B.

Rules. The County Council shall adopt rules of legislative procedure which shall provide for the enrollment of all bills enacted and the certification thereof.

C.

Journal. The County Council shall provide for the keeping of a journal which shall be open to public inspection at all reasonable times.

Section 310. Sessions of the County Council.

A.

Legislative sessions. The County Council shall hold its Legislative Sessions on the first and third Tuesdays of each month, of each year. In the event a legislative day falls on a holiday, the following business day will then be the day of the legislative session. In addition thereto, the County Council may be called into special legislative session for two (2) additional days during any month by a majority of the County Council, provided that the aggregate of all legislative days does not exceed forty-five (45) days in a calendar year. Said special session days may be, but need not be consecutive.

B.

Non-legislative sessions. The County Council may sit in non-legislative sessions at such other times and places as it may determine. In such sessions the County Council may review the county budget as proposed by the County Executive, conduct public hearings and perform such additional functions as by Charter or law are properly exercisable by it, other than enacting legislation.

Section 311. Legislative procedure.

A.
Public meetings. The Legislative Sessions of the County Council shall be open to the public.

B.
Enacting clause. The style of the enacting clause for all laws of the County Council shall be "Be it enacted by the County Council of Wicomico County, Maryland," and all laws shall be passed by original bill.

C.
Titles. Each law enacted by the County Council shall embrace but one (1) subject, and that subject shall be described in its title and no law, or section of law, shall be repealed, revived or amended by reference to its title or section only.

D.
(Reserved)^[1]

[1]
Editor's Note: Former Subsection D, Publication of proposed laws, was repealed 8-2-2016 by Res. No. 101-2016.

E.
Passage of law. All legislation not passed within sixty (60) days after its introduction shall fail, unless five (5) members of Council affirmatively vote to extend this deadline.

F.
Method of passage. No bill shall be passed except by an affirmative vote of the majority of the total number of Council members established by this Charter, and on passage the vote shall be on roll call by yeas and nays, to be recorded in the journal.

G.
Effective date of laws; emergency measures. All public local laws passed by the County Council shall take effect sixty (60) days following the date it becomes law, unless by the affirmative vote of five (5) members of the County Council any such law shall be declared to be effective on a later date or declared an emergency measure affecting the public² health, safety or welfare, in a matter which has suddenly and unexpectedly arisen which requires immediate action in the public interest, in which latter event the same shall take effect from the date it becomes law. "Emergency measures" shall be plainly designated as emergency bills, and contain, after the enacting clause a declaration stating that an emergency exists and describing the claimed emergency in clear and specific terms. The term "emergency measure" shall not include any measure creating or abolishing any office; or changing the salary, term or duty of any officer; or granting any franchise or special privilege; or creating any vested right or interest.

[2]
Editor's Note: So in original. Probably should read "public."

Section 312. The referendum on bond issues and other local laws.

A.
Power reserved. The people of Wicomico County reserve to themselves the power, by petition, to have submitted to the registered voters of the county, for approval or rejection by them by a majority vote, at the next regular election for any state or federal office, or at a special election to be called by the County Council not less than thirty (30) days nor more than one hundred twenty (120) days after said petitions have been filed, provided that the County Council shall have no authority to call said special election in the event a regular election for any state or federal office shall be provided within one hundred eighty (180) days of the date said petitions were filed, any public local law or any part of any public local law hereinafter passed, including any public local law or any part of any public local law authorizing any issue of bonds, certificates of indebtedness, notes or other obligations of the county or renewal thereof.

B.
Petitions; when filed. Any referendum petition hereunder shall be filed with the Board of Elections within sixty (60) days after enactment of the legislation which is the subject of the referendum and shall be signed by a number of

registered voters in the county at least equal to twenty per centum (20%) of the number of voters who voted in the previous presidential election, or 10,000 registered voters, whichever is less.

[Amended 8-7-2012 by Res. No. 131-2012]

C.

Content and process of petition. The content of petitions, execution by signers, required information provided by signers, affidavit of circulators, filing of petitions, determinations, verification and certification shall be as prescribed by law.^m

[1]

Note: The intent of the amendment to this paragraph is to avoid the previous conflict between the requirements of Board of Election Supervisors and the County Charter, for example the form of affidavit. The revision permits the Council to utilize state regulations and if necessary to adopt comprehensive procedural regulations by legislation in the future.

D.

Effect of referendum petition. If such petition is filed with the Board of Elections within the time aforesaid, containing the number of signatures as aforesaid, and is in compliance with the other provisions of the law and this Charter, said public local law shall not become effective until thirty (30) days after its approval by a majority of the qualified voters voting thereon. An emergency measure, as defined in Section 308, Subsection (g),^m of this Article, shall remain in force from the date of its enactment notwithstanding the filing of such petition, but shall stand repealed thirty (30) days after having been rejected by a majority of the qualified voters voting thereon.

[2]

Editor's Note: So in original. Probably should read "Section 311, Subsection G."

E.

Furthering legislation. The provisions of this section shall be self-executing; provided, however, that legislation in furtherance hereof and not in conflict herewith may be enacted by the County Council.

Section 313. Limitation on bond issues.

A.

Aggregate issues. No bonds, certificates of indebtedness, notes or other obligations shall be issued by the county on its faith and credit and for its corporate uses in an amount exceeding, in the aggregate, three and two tenths per centum (3.2%) of the assessable basis of real property of the county and eight per centum (8%) of the County's assessable basis of personal property and operating real property of the county as described in section 8-109c of the Tax - Property Article, except that (1) tax anticipation notes or other evidences of indebtedness having a maturity not in excess of twelve (12) months, (2) bonds or other evidences of indebtedness issued or guaranteed by the county payable primarily or exclusively from taxes levied in or on, or other revenues of, special taxing areas or districts heretofore or hereafter established by law and (3) bonds or other evidences of indebtedness issued for self-liquidating and other projects payable primarily or exclusively from the proceeds of assessments or charges for special benefits or services, shall not be included as bonds or evidences of indebtedness in computing or applying said limitations.^m

[1]

Note: Amends the Charter to comply with the Truth in Assessment legislation previously adopted by the State changing the percentage of valuation subject to assessment.

B.

Serial maturity plan. All issues of bonds, certificates of indebtedness, notes or other obligations issued on the faith and credit of the county for a term in excess of twelve (12) months, other than bond anticipation notes, shall be issued on a serial maturity plan providing for the maturity of the series in consecutive annual installments; said annual installments shall be in such amounts as may be deemed advisable by the County Council, and said installments are not required to be equal in amount: provided, however, that the last installment of the series shall become due not later than thirty (30) years after the date of issuance. No principal need be payable on bond anticipation notes issued on the faith and credit of the county until their scheduled date of maturity.

[Amended 7-15-2008 by Res. No. 101-2008]

C.

Refunding. All issues of bonds, certificates of indebtedness, notes or other obligations of the county are subject to refunding in accordance with the provisions of Section 24 of Article 31 of the Annotated Code of Maryland, as replaced, supplemented or amended from time to time.

[Amended 7-15-2008 by Res. No. 100-2008]

D.

Current expenses. No county obligations for a term in excess of twelve (12) months shall be issued for current operating expenses.

E.

Urban Service Commission. This section shall not be applicable as to bonds issued or to be issued by the Wicomico County Urban Service Commission, now or hereafter established in said county under Chapter 243 of the Laws of 1955 and the amendments thereto.

Section 314. Non-interference with executive branch.

A.

Generally. Neither the County Council nor any of its members shall:

1.

Attempt to supervise, direct, administer or interfere with any of the functions or the personnel of the executive branch;

2.

Attempt to influence the head of any department of the county government concerning the appointment of any person to, or his/her removal from, any office or employment; or

3.

In any way take part in the appointment of or removal of any officer or employee of the county except as specifically provided in this Charter.

B.

Communications. Formal communications from the Council to the executive branch shall be addressed to the County Executive, and neither the Council nor any member thereof shall give orders either publicly or privately to any subordinate of the County Executive.

Section 315. Confirmation of appointments.

[Amended 8-2-2016 by Res. No. 101-2016]

A.

Director of Administration, Assistant Director of Administration, department heads and the initial appointment of deputy directors. Appointment by the County Executive of the Director of Administration, the Assistant Director of Administration, department heads or the initial appointment of a deputy director of a department in the executive branch of the county government shall be subject to confirmation by the County Council. If the Council fails to act to confirm or reject any appointment within 45 days of its submission to the County Council, at its legislative session, by the County Executive, the appointment shall stand approved.

[Amended 7-3-2018 by Res. No. 65-2018]

B.

Boards and commissions. Appointment by the County Executive to membership on a board or commission shall be subject to confirmation by the County Council. If the Council fails to act to confirm or reject any appointment within forty-five days of its submission to the County Council, at its legislative session, by the County Executive, the appointment shall stand approved.

Article IV. The Executive Branch

Section 401. Composition.

The executive branch of the county government shall consist of the County Executive and all officers, agents, and employees under his supervision and authority.

Section 402. Executive powers and duties.

All executive power vested in Wicomico County by the Constitution and laws of Maryland and this Charter shall be vested in the County Executive, who shall be the chief executive officer of the county, and who shall faithfully execute the laws. The County Executive shall devote his full time to the duties of the office. The duties and responsibilities of the County Executive shall include, but not be limited to:

A.

Preparing and submitting to the Council the annual county budget in the manner and form provided in Article VII of this Charter;

B.

Preparing and submitting to the Council and the public, within six months after the close of the fiscal year, an annual report on the activities and accomplishments of the county government, including a copy of the most recently completed annual audit required by Section 904 of this Charter;

C.

Providing the Council with any information concerning the executive branch which the Council may require for the exercise of its powers;

D.

Recommending to the Council such measures for legislative action as he may deem to be in the best interests of the county;

E.

Ensuring that county funds in excess of those required for immediate needs are invested in the best interests of the county;

F.

Signing or causing to be signed on the county's behalf all deeds, contracts and other instruments; providing, however, that any agreement with a municipality to enforce laws within that jurisdiction or to collect municipal taxes shall require County Council concurrence; and

G.

Ensuring that the affairs of the executive branch are properly and efficiently administered, and that employees of the executive branch faithfully perform their duties.

H.

Overseeing the purchasing agent of the county subject to the public general and local laws.

Section 403. Election of the County Executive.

The County Executive shall be nominated and elected by the qualified voters of the entire county at the same time as the members of the General Assembly are or may be elected under the laws of Maryland from time to time.

Section 404. Term of the County Executive.

The County Executive shall serve for a term beginning at noon on the first Tuesday in December next following his election, and ending at noon on the first Tuesday in December in the fourth year thereafter or until his successor is elected and takes office.

Section 405. Qualifications of the County Executive.

The County Executive shall have been a resident and a qualified voter of the county for at least five years immediately preceding his election or appointment. At the time of election or appointment the candidate shall have attained the age of twenty-five years. During the term of office, the County Executive shall not hold any other office of profit in federal, state, county or municipal government. The County Executive shall not be eligible for appointment to any compensated county office or position, except for election or appointment to the office of County Council member, for one year after the termination of his term.

Section 406. Compensation of the County Executive.

The County Executive shall receive compensation of not less than eighty-five thousand dollars (\$85,000.00) per annum. The Compensation and Allowance Commission shall submit to the County Council its recommendation for changes in the County Executive's compensation within 15 days after the beginning of the fourth year of the County Executive's term pursuant to Section 204. The Commission may recommend an increase or decrease in the compensation, but in no event shall said compensation be less than provided in this Charter. The County Council may, by law passed by an affirmative vote of a majority plus one of the members, adopt the recommended compensation, or a reduced compensation, but may not increase the recommended compensation. Any increase or decrease in compensation which becomes law during one term of office shall not become effective before the next term.

Section 407. Vacancy in the Office of County Executive.

[Amended 8-2-2016 by Res. No. 101-2016]

A.

A vacancy in the Office of County Executive shall exist upon the death, resignation, or removal of the County Executive, or upon his/her forfeiture of office. In the event of a vacancy, the Director of Administration shall serve as Acting County Executive until a new County Executive is appointed, and shall have the same rights, duties, powers and obligations as an elected incumbent in said office.

B.

If a vacancy occurs during the first 12 months of a term, a new County Executive shall be nominated and elected by the qualified voters of the County at the same time as members of the House of Representatives of the Congress of the United States are nominated and elected and in the manner provided by law. In the interim until a new County Executive is elected, the vacancy shall be temporarily filled by resolution by a majority vote of the members of the County Council within 45 days after the vacancy occurs.

C.

If a vacancy occurs after the first 12 months of a term, the vacancy shall be permanently filled by resolution by a majority vote of the members of the County Council, within 45 days after the vacancy occurs.

D.

If the former County Executive whose position is being filled was a member of a political party, the new County Executive being appointed, either temporarily or permanently, shall belong to the same political party as his or her predecessor at the time of the executive's most recent election and shall possess the same qualifications for office as provided in Section 405 of this Charter.

E.

The new County Executive elected permanently by the County Council or by the voters shall serve the unexpired term of the former County Executive and until a successor is duly elected and qualified.

Section 408. Removal of the County Executive from office.

The County Executive may be removed from office by an affirmative vote of at least five members of the Council after a public hearing and upon a finding that the County Executive is unable by reason of physical or mental disability to perform the duties of office for a continuous period of six months. The decision of the County Council to remove the County Executive may be appealed by the County Executive by petition to the Circuit Court for Wicomico County within ten days following the County Council's vote to remove. Upon the filing of a petition, the Court may stay the removal pending its decision. The Court shall make independent determinations of fact, and its decision may be appealed.

Section 409. Forfeiture of office by the County Executive.

The County Executive shall immediately forfeit the office if he ceases to be a qualified voter of the county or is convicted of a felony or a crime involving moral turpitude.

Section 410. Temporary absence or disability of the County Executive.

[Amended 8-2-2016 by Res. No. 101-2016]

In the event of the temporary absence or disability of the County Executive, the Director of Administration shall perform the duties of the County Executive. An Acting County Executive under this section shall have the same rights, duties, powers, and obligations as an elected incumbent in said office.

Section 411. Executive veto.

A.

Presentation. Within five calendar days of enactment by the Council, any bill, except measures made expressly exempt from the executive veto by the Charter, shall be presented to the office of the County Executive.

B.

Return. Within twenty-one calendar days after presentation, the bill shall be returned to the County Council with the County Executive's approval or veto.

C.

Approval. Upon approval by the County Executive, any such bill shall become law. If the County Executive shall fail to return any bill within twenty-one calendar days after the date of its presentation to the office of the County Executive, the Council Administrator shall forthwith record the fact of such failure in the journal, and the bill shall thereupon become law.

D.

Veto. Upon veto the County Executive shall provide, in writing, a statement of the reasons for the veto. The veto message shall be entered in the journal of the County Council, and not later than at its next legislative session day, the County Council may reconsider the bill. If, upon reconsideration, at least five members of the County Council vote in the affirmative, the bill shall become law.

Section 412. Director of Administration.

The County Executive shall appoint a Director of Administration who shall be selected on the basis of his qualifications as a professional administrator and shall serve at the pleasure of the County Executive. The salary of the Director of Administration shall be fixed by the County Executive, subject to the provisions of the budget. The Director of Administration shall perform administrative duties and exercise general supervision over the departments and agencies of the executive branch as the County Executive may direct. Prior to assuming the duties of the office, the Director of Administration shall be a resident of the county and shall continue to reside in the county for the duration of his term of office. The Director of Administration shall cause all county budgets to be prepared and submitted to the County Executive for modification, approval and submission to the County Council. Such budgets shall be prepared in the manner and form provided in Article VII of this Charter. In addition, the Director of Administration shall study the

organization, methods, and procedures of each department of the county government and submit to the County Executive periodic reports on their efficiency and economy.

Section 413. Administrative appointments.

[Amended 8-13-2018 by Res. No. 82-2018]

The County Executive shall appoint a single officer to head each department or agency of the executive branch, the Director of Administration, and the Assistant Director of Administration and may remove the same at his discretion, and shall also appoint the deputy directors of each such department or agency. Within six months after each election for County Executive, the County Executive shall appoint the Director of Administration, and the Assistant Director of Administration and all heads of each department or agency of the executive branch as defined by Section 502 and 503 of this Charter and the Code of Wicomico County, subject to confirmation by the Council as required by Section 315 of this Charter, provided that this sentence does not apply to the then appointed and serving deputy directors. The County Executive shall also appoint the members of all boards and commissions in the executive branch, except as otherwise provided for by law, subject to confirmation by the Council as required by Section 315 of this Charter. All employees of the executive branch, other than those specifically provided for in this Charter or the Code of Wicomico County, shall be appointed and removed by the heads of the several agencies of the county government in accordance with the provisions of the County Personnel Law.

Section 414. Temporary administrative appointments.

A.

Director of Administration, department head. When a vacancy occurs in the position of the Director of Administration or the head of a department or agency of the executive branch, the County Executive shall appoint an Acting Director of Administration or acting head of the department or agency.

B.

Term. The appointment of any person appointed as "Acting Director of Administration" or acting head of a department may not exceed 90 calendar days, except by Council approval. This appointment may be extended by the Council every 90 calendar days.

[Amended 8-2-2016 by Res. No. 101-2016]

C.

Procedures instituted. when a vacancy or absence that warrants a temporary appointment occurs, the County Executive shall ensure that the appropriate procedures are immediately instituted to provide a qualified person for the position.

Article V. Administrative Organization

Section 501. Supervision and control.

Except as otherwise provided in this Charter or in state law, all departments, offices and agencies of the county government shall be subject to the direction, supervision, and control of the County Executive.

Section 502. General provisions.

A.

Distribution of duties. The activities under the direction and supervision of the County Executive shall be distributed among such departments, offices and agencies as are established by this Charter or as may be established by law.

B.

Departmental officers. Each department, office or agency created shall be administered by an officer who shall be appointed by the County Executive. The salary of such officer or officers shall be fixed by the County Executive, subject to the provisions of the budget.

C.

Same; suspension or removal. All officers and employees appointed by the County Executive may be suspended or removed from office upon the written order of the County Executive, except that no such suspension or removal may be ordered because of race, national origin, religious opinion or religious affiliation of said officer.

D.

Same; powers. The head of the appropriate department shall appoint and fix compensation, subject to the approval of the County Executive and the budget limitations and personnel regulations provided in this Charter, of all personnel of the department, and such department heads shall have the right and power to suspend or remove any personnel, subject to said personnel regulations.

Section 503. Composition; restrictions on creation.

A.

Departments. The administrative organization shall, except as otherwise provided herein, consist of the following departments:

1.

Department of Law

2.

Department of Human Resources

3.

Department of Finance

4.

Department of Planning, Zoning and Community Development

5.

Department of Public Works

6.

Department of Recreation, Parks and Tourism

7.

Department of Corrections

8.

Department of Information Services

9.

Department of Emergency Services

10.

Wicomico Partnership for Families and Children

B.

Creation, merger or abolition. Offices and departments may be created, merged or abolished only by legislative act proposed by the County Executive and passed by the County Council. New divisions of existing offices and departments shall not be created except by legislative act proposed by the County Executive and passed by the County Council.

C.

Assignment of duties. Existing or additional duties and functions may, however, from time to time be assigned to or reassigned among existing offices or departments by directive of the County Executive or by legislative act of the County Council.

Section 504. Reorganization.

A.

Plan of reorganization. In the event, the County Executive deems substantial reorganization within the executive branch to be in the best interest of efficient government, he shall prepare a reorganization plan. Accompanying each reorganization plan shall be a detailed explanation of the reasons for reorganization and an evaluation of the financial impacts. The executive reorganization plan shall be submitted to the Council at least sixty (60) days prior to the submission of the current expense budget within which the reorganization is proposed for funding. Within sixty (60) days of such submission the Council shall introduce the plan in the form of a bill.

B.

Reorganization of departments under state law. If the General Assembly shall at any time transfer to the voters of the county or to the Council jurisdiction or control over the affairs of any of the departments of the county government by law or by this Charter, then to the extent of such transfer, the Council may by legislative act provide for the reorganization of such departments and the administration of their affairs within the executive branch under county law.

C.

Exemption. The Department of Law is not subject to executive reorganization.

D.

As used in this article, "reorganization" shall include:
[Added 8-2-2016 by Res. No. 101-2016]

A management initiated rearrangement of reporting relationships, in terms of financial compensation, of multiple positions within or between departments, offices or agencies, or

2.

Any change which prescribes, alters or defines functions and responsibilities and allocates, reallocates, expands or deletes powers of various departments, agencies, boards and other bodies of the Executive Branch.

Section 505. Department of Finance.

A.

Director; appointment. There shall be a Department of Finance under the immediate direction of a Director of Finance, who shall be appointed on the basis of education and experience in financial administration. The Director of Finance shall be appointed and removed and his salary fixed in accordance with Section 502B of this Article.

B.

Same; powers and duties. Except as otherwise provided in Article X of this Charter and subject to the public and general local laws, the Director of Finance shall have and exercise all the powers and duties formerly vested in or imposed upon the County Treasurer, and is hereby designated as the collector of state taxes in the county. The Director of Finance shall have charge of the administration of the financial affairs of the county, including:

1.

The preparation and mailing of all tax bills and notices of special assessments in the county.

2.

The collection of state and county taxes, special assessments, urban service charges, fees and other revenues, and funds of every kind due to the county; and such taxes, special assessments, charges, fees and other revenues, and funds of every kind due to any municipality, now or hereafter in said Wicomico County, with which the County may

have entered into a contract and/or agreement for the performance of the duties listed above by said Director of Finance.

3.

The custody and safekeeping of all funds and securities belonging to or by law deposited with, distributed to or handled by the county.

4.

The keeping and supervision of all accounts.

5.

The disbursement of county funds and the responsibility for the detection of all payroll items, vouchers, bills and other claims or demands that are fraudulent, erroneous, unauthorized by law or otherwise invalid, which said matters shall be referred to the County Attorney for further action in accordance with law.

6.

The accounting for county funds and property, including securities, special bonds and insurance policies, and the making of reports thereon.

7.

The preparation of a monthly statement of the receipts and expenditures of the county during the preceding month and such other information as the County Executive shall request, which statement shall be provided to the County Council and made public.

[Amended 7-20-2010 by Res. No. 113-2010]

8.

The performance of the budget functions prescribed under Article VII of this Charter.

9.

The preparation of annual financial reports, which shall be made public.

10.

The performance of such other duties, not inconsistent with those herein enumerated, as may be required by the County Executive or by law.

C.

Expenditures; obligations. No money shall be drawn from the treasury of the county, nor shall any obligation for the expenditure of money by the county be incurred by any officer, board or commission authorized to expend county money, except in pursuance of law or of the appropriation or allotment therefor.

D.

Fees. All fees received by all county officers or employees in connection with their official duties shall be accounted for and paid into the county treasury.

Section 506. Department of Public Works.

A.

Director; appointment. There shall be a Department of Public Works under the immediate direction of a Director of Public Works who has graduated with an engineering degree from a college or university having an accredited engineering curriculum of four (4) years. The Director of Public Works shall be appointed and removed and his salary fixed in accordance with Section 502 of this Charter.

B.

Same; duties. The Director of Public Works shall be charged with the following duties and responsibilities:

1.

Performance of such engineering duties and engineering work in regard to the property and affairs of the county as the County Executive may require.

2.

The direction of the preparation of plans and specifications and the supervision of all construction and maintenance work undertaken by the county.

3.

To serve as an advisor to the County Executive and to undertake the planning and construction of any project requested by the County Executive.

4.

The planning, construction and maintenance of all streets, highways and roads in said county, and the County Roads Engineer shall work under the control and authority of said Director.

5.

At the discretion of the County Executive, the Director may serve as the Engineer to the Wicomico County Planning and Zoning Commission and, if appointed to serve in this capacity, shall make studies for and recommendations to said Planning and Zoning Commission in all matters pertaining to land planning and zoning.

Section 507. Department of Law.

A.

Appointment, compensation, removal. The Department of Law shall be administered by the County Attorney, who shall be a member in good standing of the bar of the Maryland Court of Appeals for at least five years and shall have been actively engaged in the general practice of law in the State of Maryland for at least five years immediately prior to his or her appointment. The County Attorney shall be appointed in accordance with Section 413 and his compensation shall be as established in the budget.

[Amended 8-7-2012 by Res. No. 131-2012]

The County Attorney shall serve at the pleasure of the Executive and the Council. The County Attorney may be removed by the entire Council.

[Added 8-7-2012 by Res. No. 131-2012]

If the County Attorney ceases to be a member in good standing of the bar of the Maryland Court of Appeals, or is convicted of a crime, the County Executive may remove the County Attorney.

[Added 8-7-2012 by Res. No. 131-2012]

B.

Functions. The County Attorney shall be the legal advisor of the county and of its several offices, departments, boards, commissions and other agencies. The County Attorney shall issue upon request, give advice and opinions upon any legal questions affecting the interests of the county when the same are submitted: (1) by written request of a County Councilman, (2) by written request of the County Executive, or (3) with the approval of the County Executive, by written request of the head of any office or department in the executive branch or any board, commission or agency. All deeds, bonds, contracts, releases, agreements, advertisements, bids and other legal papers, documents and instructions involving the interests of the county to be executed and approved by any officer of the county shall be submitted to the County Attorney and shall be approved by the County Attorney in writing as to their form and legal sufficiency in compliance with the laws and conditions under which executed. The County Attorney shall have the right of access at all times to the official records of any office, department, board, commission or agency of the county. Before the County Executive signs any ordinance passed by the County Council, the County Attorney shall review the ordinance and advise the County Executive as to its legality. The County Attorney shall have such additional legal duties as may from time to time be provided by ordinance not inconsistent herewith.

C.

Representation. The County Attorney shall represent the county in all actions in which the county is a party, except as herein provided.

D.

Same, County Council. The County Attorney shall, at the request of the County Council, serve as a legal advisor and a legislative draftsman for the County Council. However, the County Council may elect to employ other attorneys as provided in Section 304C.

[Amended 8-2-2016 by Res. No. 101-2016]

E.

Other counsel. Except as otherwise provided for in state law or this Charter, no department of the County government which receives County funds shall have any authority or power to employ or retain any legal counsel. The County Attorney shall serve as counsel for those departments which receive County Funds.

[Amended 8-2-2016 by Res. No. 101-2016]

F.

Special counsel. The County Executive may, with the approval of the Council, employ special legal counsel to work problems of an extraordinary nature when the work to be done is of such character or magnitude as to require services in addition to those regularly provided by the Department of Law.

G.

Limitation. Neither the County Attorney nor any assistant in the Department of Law may at any time, while holding such office, practice as an attorney before the Council or any department of the county government other than to represent the county's interests.

Section 508. Citizen advisory boards.

The County Executive may appoint for designated periods one or more temporary advisory boards of citizens of the county who shall, without compensation other than necessary expenses, assist in the consideration of county administrative policies and programs. Advisory boards appointed by the County Executive under the provisions of this section shall be subject to the confirmation procedures set forth in Section 315 of this Charter.

Article VI. Personnel Provisions

Section 601. Personnel system.

A.

System. The County Council shall establish, by law, a personnel system as described in this section. The County Council may modify or revise the system by law. The County Executive may submit changes, modification or revisions to the personnel system to the County Council which shall have the force of law upon adoption by the Council.

[Amended 8-2-2016 by Res. No. 101-2016]

B.

Scope. The personnel system shall provide for:

1.

A classification and pay plan for all county positions.

2.

Disciplinary and appeal procedures.

3.

Work rules, benefits programs and leave positions.

4.

Other practices and procedures necessary to the administration of the personnel system.

C.

Exempt positions. All county positions shall be either included in the merit system or exempt from it. The exempt positions shall be as follows:

1.
Elected officials;
2.
Members of boards, commissions, and committees;
3.
The Director of Administration and Assistant Director, if any;
4.
The Heads of the departments, offices and agencies in the executive branch;
5.
The Council Administrator and Assistant Council Administrator, if any;
6.
Public Information Officer;
7.
Employees required to be covered by the state merit system;
8.
Professionals, experts, and consultants engaged under contract for specific services;
9.
Appointed, contract, grant employees; and
10.
Temporary and seasonal employees.

Upon the recommendation of the County Executive, the County Council may, by legislative action, establish or ab

Section 601.1. Collective Bargaining.

[Added 11-7-2006 by referendum]

The Wicomico County Council shall provide by law for collective bargaining with binding arbitration with an authorized representative of the Wicomico County Sheriff's Office deputies. Any law so enacted shall prohibit strikes or work stoppage by deputies. The County Council shall provide by law a labor code for sworn employees of the Wicomico County Sheriff's Office to effectuate this charter provision. This section shall supersede any conflicting provisions of the Wicomico County Charter or other Wicomico County provisions.

Section 602. Appointments, promotions and actions.

A.
Basis. All appointments and promotions of county employees shall be made on the basis of merit and fitness, except in case of persons employed to make or conduct a special inquiry, investigation, examination and installation, if the County Executive certifies that the employment is temporary and that the work should not be performed by regular county employees. Merit and fitness shall be determined on the basis of experience, intelligence and general qualifications of the person.

B.
Discrimination prohibited. The personnel system shall ensure that personnel actions with regard to merit employees are based on merit and fitness, and that no person shall be hired to, or removed from, or in any way favored or discriminated against, with respect to any county position because of their sex, race, national origin, religion or political affiliations.

Section 603. County Personnel Board.

There shall be established a County Personnel Board, composed of five (5) members who are qualified voters of the County, appointed by the County Executive, subject to confirmation by the County Council as provided in Section 315B.¹¹ All appointments shall be for a term of three (3) years, except that any member appointed to fill a vacancy occurring prior to the expiration of a term shall be appointed only for the remainder of that term. Members shall be appointed for staggered terms so that all appointments shall not terminate at the same time. Said members each year shall select one (1) of their number as Chairman of said Board.

[1]

Note: Under the 1968 amendments to the code, the original members of the board were to be appointed as follows: two (2) for a term of one (1) year, (2) two for two (2) years and one (1) for three (3) years, from the date of their appointment as designated by the County Council at the time of appointment.

Section 604. Powers and duties of Personnel Board.

The County Personnel Board shall:

1.

Serve as the formal grievance review board to hear and decide appeals from any personnel action as defined in the personnel rules. The Personnel Board's decision shall be final and binding on all parties.

2.

Advise county officials on matters concerning the personnel rules and regulations, and report to the County Executive and County Council on the operation of the personnel system.

Section 605. Prohibition against conflict of interest.

A.

Application. This section applies to:

1.

All members of the County Council during their term of office;

2.

The County Executive during his term of office;

3.

All officers and employees of Wicomico County during the term of their employment with Wicomico County;

4.

All persons directly employed by the County or under the provisions of this Charter, whose salary or expenses are payable in whole or in part from county funds.

B.

Prohibition; exception.

1.

Except where such interest is disclosed and does not create a conflict of interest, as determined by the Ethics Commission, it shall be unlawful for any person to whom this section applies to:

[Amended 8-3-2010 by Res. No. 117-2010]

a.

Hold, possess, purchase or acquire any share or interest in any agreement or contract made, entered into or concluded with any party or parties by Wicomico County or its officers or employees, in their official capacity;

b.

Have, receive, or participate, either directly or indirectly, in any of the benefits, profits or emoluments of any such agreement or contract;

C.

Accept, hold, purchase or acquire any claim on or against Wicomico County, or any share or interest in such claim, which said claim has been or is to be passed upon and approved by the County Council; County Executive, or the officers and employees of Wicomico County.

2.

Nothing stated above shall prohibit the Ethics Commission of the County from allowing an employee to receive a reward publicly offered and paid for the accomplishment of a particular task, or to hold stock in any corporation, or maintain a business in connection with any person, firm, or corporation which does business with the County if the Ethics Commission determines that such association would not violate the public interest.

C.

Enforcement. These provisions prohibiting a conflict of interest shall be strictly enforced for the purpose of preventing officers and employees from securing any pecuniary advantage, however indirect, based on their position or prestige. Any person who shall violate this section shall be liable to indictment and, upon conviction, shall forfeit his office and shall also forfeit his share in the agreement, contract or claim, as the case may be. A fine of not less than \$100 nor more than \$1,000 or imprisonment of not less than six (6) months nor more than one (1) year, or both, may be imposed. These provisions are in addition to other lawful penalties. Violation of this section shall also, at the option of the County Executive and subject to appeal to the County Council, render forfeit and void the contract, work, business, sale or transaction affected.

Section 606. Prohibition against appearing as attorney in litigation.

No member of the County Council, The county Executive, nor any officer or employee directly employed by the County or under the provisions of this Charter, whose salary or expenses are payable in whole or in part from county funds, shall, during his employment or incumbency, appear as attorney or counsel against the interest of the county in any litigation to which the county is a party.

Section 607. Prohibition against political activities.

The members of the County Council, County Executive and any officers appointed by him shall be prohibited from requesting any county employee subject to the county personnel regulations to make any purchase or contribution or pay any assessment for political purposes; nor shall any officer or employee participate in any political activities or electioneering while in the course of their employment with the county. For purposes of this section "in the course of their employment with the county" shall mean that time for which one is being paid to perform work assigned by or for the benefit of the county.

Section 608. Prohibition against rendering personal services.

No member of the County Council, the County Executive, or officer or employee of the county shall direct or cause any officer or employee of the county to do or perform any service or work outside of his public office or employment.

Section 609. Prohibition against additional compensation.

A.

General; Exception for expenses. No member of the County Council, nor the County Executive, and no officer or employee whose salary is fixed in whole or in part by this Charter or by rules or regulations of the County Personnel Board shall be entitled directly or indirectly to any other salary, expenses or compensation from the county for performance of public duties, except expenses for travel and subsistence incident to the performance of his official duties, as authorized by the public local laws of the county, except upon prior written approval of his department head.

B.

Full time required. All officers and employees in the executive or legislative branches, other than the County Executive, members of the County Council, the County Attorney and Assistant County Attorneys, if any, who receive a salary or compensation paid in whole or in part from county funds, shall devote their entire time during the official working hours to the performance of their official duties.

Section 610. Corrupt practices.

No elected or appointed officer or employee whose salary or expenses are payable in whole or in part from county funds shall solicit, give or promise to give any portion of his compensation or any money or any valuable thing to any person in consideration of his having been or being appointed or employed as such officer or employee. Any officer or employee violating this section shall be removed from office pursuant to regulations of the County Personnel Board.

Section 611. Penalties.

The County Council shall, by public local laws, provide appropriate penalties for enforcement of this Article.

Article VII. Budgetary and Fiscal Procedures

Section 701. Fiscal year and tax year.

Unless and until changed in accordance with the provisions of state law, the fiscal or budget year and the tax year of the county shall begin on the first day of July and shall end on the 30th day of June of the succeeding year.

Section 702. Definitions.

As used in this article, the following terms shall have the meanings indicated:

A.

"Capital budget" shall mean the plan of the county to receive and expend funds for capital projects during the first fiscal year included in the capital program.

B.

"Capital program" shall mean the plan of the county to receive and expend funds for capital projects during the fiscal year covered by the capital budget and the next succeeding four fiscal years thereafter.

[Amended 7-20-2010 by Res. No. 111-2010]

C.

"Capital project" shall mean: (1) the building or purchase of any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (2) the acquisition of property of a permanent nature for public use; and (3) the purchase of equipment for any public betterment or improvement when first erected or acquired.

The term shall not include any public betterment or improvement, the acquisition of any real property or the purchase of year's taxes, nor shall the term include the resurfacing of any road.

D.

"County" or "county government" shall include all agencies and their officers, agents, and employees who receive or disburse county funds.

E.

"County funds" shall mean any monies appropriated or approved by the Council or to which the county may at any time have legal or equitable title.

F.

"Current expense budget" shall mean the plan of the county to receive and expend funds for charges incurred for operation, maintenance, interest, and other charges for the ensuing fiscal year.

Section 703. Comprehensive scope of budget.

The county budget shall consist of the current expense budget, the capital budget and capital program, and the budget message. It shall represent a complete financial plan for the county reflecting all receipts and disbursements from all sources, including all revenues, all expenditures, and the surplus or deficit in the general fund and all special funds of the county government.

Section 704. Capital program and budget.

A.

Proposed projects. At such time as the County Executive may direct, each department which receives or disburses county funds shall submit to the County Executive an itemized list of the capital projects which each department proposes to undertake in the ensuing fiscal year and the next succeeding four fiscal years thereafter. The County Executive may amend the capital budget and capital program proposals and shall cause to be prepared the county capital program and budget as set forth in this charter.

B.

Recommendation of projects. The head of each department or agency of the government shall first submit appropriate details of projects intended for inclusion in the proposed capital program to the Wicomico County Planning and Zoning Commission for comment, so that it can be determined that said projects conform to the Comprehensive Plan of said county, as to both location and use. The Planning and Zoning Commission's comments must be obtained prior to the submission of the proposal to the County Executive.

C.

Submission of projects. On or before October 1 of each year, the head of each department or agency of the government shall submit to the County Executive a description and estimate of all capital projects already authorized and of all capital projects which he believes should be undertaken within the next five (5) fiscal years in such form as the County Executive shall prescribe. At the same time, the Director of Finance shall submit to the County Executive, in such form as said Director shall prescribe, an itemized statement of the outstanding bonds, notes, certificates of indebtedness and other obligations of the county and the amounts of principal maturing and the amounts of interest due for each year until the obligations are retired, together with the amount of the additional obligations which may be incurred by the county without exceeding the limitations imposed by this Charter or other law.

D.

Hearings. The County Executive shall hold a public hearing on the capital program for the purpose of obtaining information.

[Added 8-7-2012 by Res. No. 131-2012]

E.

Projects submitted to County Council. On or before the third Tuesday in December of each year, the County Executive shall submit to the County Council a capital program for five (5) years showing:

[Amended 7-20-2010 by Res. No. 111-2010]

1.

As to each capital project already authorized and not completed, a brief description, the estimated cost, the date of authorization, the amount and nature of the obligation authorized, the amount and maturities of such obligation issued, the amount of all obligations outstanding, the unencumbered balances of authorization on such date, the amount of liabilities estimated to be incurred in the balance of the current fiscal year and the estimated additional appropriation, if any, required for completion.

2.

As to each new capital project recommended by him, a brief description thereof, the estimated cost of study and planning, the total estimated cost by years, the estimated date of completion, the estimated useful existence, the

amounts, nature and terms of obligations recommended to be authorized in each of the five (5) succeeding fiscal years and the estimated annual maintenance and service charges.

3.
Any recommendation that an already authorized project be modified, postponed or abandoned.
[Amended 8-7-2012 by Res. No. 131-2012]

4.
Such explanatory statements and other data as the County Executive deems advisable or the County Council may require.

F.
Inspection of estimates: hearings. The department estimates, statements of the Director of Finance and the capital program submitted to the County Council by the County Executive shall be open to public inspection. The County Council shall give notice of a public hearing on the capital program, on or before the third Tuesday in February. Any member of the public or his representative, the County Executive and the head of any department or other agency shall be entitled to be heard at this public hearing.
[Amended 7-20-2010 by Res. No. 111-2010]

G.
Action by County Council. The County Council shall approve, decrease or delete any items in the capital program as submitted or amended on or before the third Tuesday in February of each year. The County Council shall have no power to change the form of the program as submitted by the County Executive, or to add any project or to increase any project recommended by the County Executive for capital purposes. If the County Council fails to adopt a capital program by the third Tuesday in February the capital program as submitted by the County Executive shall stand adopted to the same extent as if favorable action had been taken by the County Council. The County Council may, upon the recommendation of the County Executive, after public hearing and the affirmative vote of a majority of its members, amend the adopted Capital Budget.
[Amended 7-20-2010 by Res. No. 111-2010]

H.
Items included in budget. The portion of the cost of the capital program that must be paid for in the next fiscal year shall be the capital budget, and said capital budget shall be included in the expense budget for the next fiscal year.

I.
Copies of program. Copies of the capital program, as adopted, shall be made available to the public.

Section 705. Expense budget and budget message.

A.
Estimates submitted, hearing. On or before March 15 of each year hereafter, the head of each department or special agency in the executive branch of the county government and of each agency financed in whole or in part by county funds shall submit to the County Executive an itemized estimate of the revenues and expenditures of the department or agency for current expenses for the next fiscal year. All such estimates shall be submitted in such form and with such other supporting data as the County Executive may request. The County Executive may amend the estimates, except the County Executive may not amend the budget request of the County Council for its operating expenses.

B.
Statements to County Executive. On or before March 15 of each year hereafter, the Director of Finance shall submit to the County Executive in such form as prescribed by the County Executive an itemized statement of:

1.
The expenditures of each department and agency for the two (2) preceding fiscal years and the current fiscal year up to and including the last day of the month preceding the date of request;

2.
The amount of interest and maturing principal due on county obligations during the next fiscal year;

3.

The amount of uncollected taxes and other revenues due for the current and prior fiscal years and estimated receipts therefrom during the next fiscal year;

4.

The assessable value, as of the last date of finality, of the real and other property subject to county taxation;

5.

The estimate of county miscellaneous revenues from sources other than locally assessed taxes for the next fiscal year;

6.

The available surplus at the close of the last completed fiscal year and the estimated available surplus at the close of the current fiscal year; and

7.

Such other items as the County Executive may require.

C.

Hearings. The County Executive shall hold a public hearing on the expense budget for the purpose of obtaining information.

[Amended 8-7-2012 by Res. No. 131-2012]

D.

Submitted to County Council. On or before the third Tuesday in April of each year, the County Executive shall submit to the County Council an expense budget for the next fiscal year and the budget message. The proposed county budget shall be filed with the Council Administrator and copies thereof shall be made available to the public upon request.

[Amended 7-20-2010 by Res. No. 111-2010]

E.

The expense budget shall include in both detail and summary form:

(a)

Estimates of available surplus, if any; estimates of receipts from taxes, at a rate sufficient to balance said budget; receipts from other revenues; and recommended borrowing, if any, for the next fiscal year.

(b)

Recommended appropriations for current expenses for each department or agency and for other purposes for the next fiscal year.

(c)

Recommended appropriations for debt service for the next fiscal year, including portions of capital program to be financed during said year.

(d)

Such other data as the County Executive deems advisable.

2.

The budget message shall contain supporting summary tables and shall explain the proposed expense budget and capital program both in fiscal terms and in terms of work to be done. It shall outline the proposed financial policies of the county for the ensuing year. It shall indicate any major changes in financial policies and in expenditures, appropriations and revenues as compared with the fiscal year currently ending and shall set forth the reasons for such changes. It shall include a statement of the bonded and other indebtedness of the county government and its agencies, including any self-sustaining debt.

E.

Inspection of documents; hearings.

1.

The County Council shall give at least five (5) days' notice in one (1) or more newspapers published in Wicomico County of a public hearing on the expense budget, to be held by May 15. Any member of the public or his representative, the County Executive and the head of any department or other agency shall be entitled to be heard at this public hearing.

2.

The County Council may hold preliminary hearings on the budget for the purpose of obtaining information as it may determine, but no action shall be taken by the County Council on the budget except in public session and after the public budget hearings prescribed in this section.

F.

Adoption of budget.

1.

After the public hearing, the Council may decrease or delete any items in the budget except those required by the laws of this state or of this county, and except any provisions for debt service on obligations then outstanding or for estimated cash deficits. The Council shall have no power to change the form of the budget as submitted by the County Executive, or to alter the revenue estimates except to correct mathematical errors, or to add any items to the budget or to increase any expenditure recommended by the County Executive for current expense or capital purposes. In the event the Council decreases or deletes any item(s) and the Executive and Council do not agree upon the expenditure of the surplus, then upon adoption of the budget the surplus shall be placed in the undesignated fund balance for future appropriation.

[Amended 8-2-2016 by Res. No. 101-2016]

2.

The adoption of the current expense budget and the capital budget shall be by the affirmative vote of at least four members of the Council by a law to be known as the Annual Budget and Appropriation Bill. Any borrowing to finance capital projects must be authorized by an existing law of the General Assembly of Maryland or by a law of the Council adopted in accordance with this Charter.

3.

The Annual Budget and Appropriation Bill shall be adopted by the Council not later than June 1 or such date as may be set by resolution pursuant to Section 707 of this Charter, but not later than June 15th. If the Council fails to adopt the Annual Budget and Appropriation Bill by June 15th, the proposed current expense budget as submitted by the County Executive shall stand adopted, and funds for the expenditures proposed in the current expense budget shall stand appropriated as fully and to the same extent as if favorable action thereon had been taken by the Council.

4.

The Annual Budget and Appropriation Bill shall be exempt from the executive veto.

G.

Public general laws. In the event the provisions of this section are in conflict with the public general law pertaining to the budget of any agency financed in whole or in part by county funds, then such provisions of the public general law shall prevail.

Section 706. Tax levy, balanced budget and property tax limitation.

A.

Tax levy, balanced budget. When the county budget shall have been finally adopted in the Annual Budget and Appropriation Bill, the County Council shall thereupon levy and cause to be raised the amount of taxes required by the budget in the manner provided by law so that the budget shall be balanced as to proposed income and expenditures.

B.

Tax revenue cap. Notwithstanding any other provisions of this Article, from and after July 1, 2001, revenues derived from taxes on properties existing on the County real property tax rolls at the commencement of the County fiscal year shall not increase, compared with the previous year, by more than two percent, or by the Consumer Price Index for

all urban consumers (CPI-U) percentage of change for the latest calendar year, determined by the U.S. Department of Labor, whichever is the lesser.

Section 707. Authority to change dates.

The County Council may, by resolution, change any of the dates set forth in Sections 704 and 705 herein, provided that said resolution states the reason for said change or changes, and such resolution shall be effective only during the fiscal year in which said resolution is adopted, subject to the restrictions set forth in Section 705.

Section 708. Transfer of appropriations and capital assets; inter-fund borrowing.

A.

How authorized. Transfers of appropriations between general classifications of expenditures within the same office or department may be authorized by the County Executive, provided that the County Council is given at least 15 days advance written notice of any such transfer except in the case of an emergency, in which case such notice shall be given as soon as possible but no later than five days after the transfer. Transfers between offices, departments, institutions, boards, commissions or other agencies of the county government may be made during the last quarter of the fiscal year and then only on the request of the County Executive and with approval of the County Council.

[Amended 7-3-2018 by Res. No. 65-2018]

B.

Inter-fund borrowing. Upon the request of the County Executive, the County Council may authorize by resolution inter-fund borrowing to meet temporary cash requirements and may permit reimbursement among funds for services rendered.

C.

A depreciable capital asset having a current book value of \$15,000 or more, regardless of when and how acquired, may be transferred between departments, agencies, offices or funds only upon written recommendation of the County Executive and approval by the County Council by resolution. The recommendation shall describe the asset and state its current book value and the reason(s) for the transfer. Other than real estate or any other items designated by resolution of the County Council, a depreciable capital asset may not be used regularly, except under extraordinary circumstances, by a department, agency, office or fund unless it is purchased or otherwise acquired for or subsequently transferred to such user.

[Added 7-3-2018 by Res. No. 65-2018]

Section 709. Supplementary and emergency appropriations.

A.

Supplementary. During any fiscal year, the County Council, upon the request of the County Executive, may make additional or supplementary appropriations from unexpended and unencumbered funds set aside for contingencies or from reimbursements or revenue receipts in excess of those budgeted, provided that the Director of Finance shall first certify in writing that such funds are available for such appropriation. No supplemental appropriation shall exceed the amount of the funds so certified or the amount requested by the County Executive, whichever is less.

B.

Emergency. To meet a public emergency affecting life, health, property or general welfare, the County Council may, by ordinance or resolution, upon the request of the County Executive, make emergency appropriations, not to exceed the amount requested, from unappropriated surplus, from contingent funds, from revenues received from anticipated sources in excess of the budget estimates therefor or from revenues received from sources not anticipated in the budget for the current fiscal year. To the extent that there may be no available unappropriated revenues to meet such emergency appropriations, the County Council may, by ordinance or resolution, authorize the issuance of emergency notes which may be renewed from time to time; provided, however, that such notes and renewals shall be paid not

later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. The total of emergency appropriations in any fiscal year shall not exceed five per centum (5%) of all appropriations (including those for debt service) made in the budget for such year.

Section 710. Lapsed appropriations.

Unless otherwise provided by public general laws, all unexpended and unencumbered appropriations in the current expense budget remaining at the end of the fiscal year shall revert to the County's General Fund and may be available for emergency appropriations, as provided in Section 709 of this Article, and/or appropriation in the succeeding year's budget. No appropriation for a capital project in the capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that any capital project shall stand abandoned if three (3) fiscal years elapse without any expenditure from or encumbrance of the appropriation made therefor. The balance remaining to the credit of the completed or abandoned capital projects shall be available for appropriation in subsequent capital budgets or be transferred to a fund for the retirement of bonds or payment of interest, if funds for such capital project were obtained from the sale of bonds.

Section 711. Appropriation control and certification of funds.

No office, department, institution, board, commission nor other agency of the county government shall, during any fiscal year, expend or contract to expend any money, or incur any liability, or enter into any contract which, by its terms, involves the expenditure of money in excess of the amounts appropriated or allotted for the same general classification of expenditures in the budget for such fiscal year, or in any supplementary or emergency appropriation as hereinabove provided; and no payment shall be made nor any obligation or liability incurred, unless the Director of Finance shall first certify that the funds for the designated purpose are available. Any contract, verbal or written, made in violation of this section, shall be null and void, and if any officer, agent or employee of the county shall knowingly or willfully violate this provision, he shall be personally liable and such action shall be cause for his removal from office by the County Executive, or by a majority vote of the County Council after public hearing. Nothing in this section nor elsewhere contained shall prevent the making of contracts of lease or for services providing for the payment of funds at a time beyond the fiscal year in which such contracts are made, provided the nature of such transactions reasonably requires the making of such contracts.

Section 712. Appropriation control of Capital Funds.

No funds resulting from the issuance of bonds, certificates of indebtedness, notes or other obligations of the county, pursuant to Article III, Section 313, may be expended for any project or projects not expressly set forth in the capital budget and authorizing legislation establishing said funds. Transfer of appropriations among the items set forth therein shall be authorized upon the request of the County Executive, with the approval of the County Council, but in no event shall the total costs of any one (1) project exceed one hundred twenty-five percent (125%) of the authorized amount specified in the enabling legislation. Any surplus funds unexpended at the completion of all of the projects listed in the enabling legislation shall be credited to the capital program for the fiscal year next succeeding the year in which said balance is ascertained.

Article VIII. Purchasing

Section 801. Purchasing.

A.

Duties of purchasing agent. The purchasing agent of the county, subject to the public general and local laws, shall have the following functions:

1.

The making of all purchases and contracting for supplies, materials and equipment for any county department or agency to be paid for out of county funds.

2.

The sale of surplus, old and waste supplies, materials and equipment of the county.

3.

The establishment after consultation with appropriate officials, of suitable specifications and standards for all supplies, materials and equipment to be purchased and the inspection of deliveries to determine compliance with such specifications and standards.

4.

The receiving, custody and distribution of all supplies, materials and equipment to the proper department or agency of the government.

5.

The establishment and maintenance of a system of requisitions and receipts covering the furnishing of supplies, materials and equipment to departments and agencies of the county.

6.

The establishment, maintenance and modification of rules, regulations and standards for the pre-qualification of bidders in contracting for public work on the purchase of supplies, materials and services if the County Executive deems such pre-qualification necessary, subject to the approval of the County Council.

B.

School system. The provisions of subsection (a)^(u) above shall apply to the county school system except in the purchase and sale of technical equipment and supplies peculiar to the needs of the County Board of Education only.

[1]

Editor's Note: So in original. Probably should be Subsection A.

Section 802. Competitive bidding.

A.

General. Any single purchase or contract involving an expenditure of more than five thousand dollars (\$5,000.00) or such amount as may be set by legislative act of the county enacted by affirmative vote of five (5) members of the County Council, shall be made from or let by sealed bids or proposals, after public notice for such period and in such manner as the County Executive shall determine. Contracts for the purchase shall be awarded to the lowest responsible bidder who has complied with the specifications and standards as set forth in the request for bids, and the successful bidder shall give security or bond for the performance of his contract, if so required by the County Executive. No contract nor purchase hereunder shall be broken down into parts so as to circumvent or evade the dollar limitation hereinbefore set forth.

B.

Exceptions. Upon request by the County Executive, stating fully the reasons why any single purchase or contract requiring sealed bids or proposals after due notice is impractical, considering the costs of operation, maintenance, downtime and service, if any, submitted to the County Council, then upon the vote of five (5) members, said council may direct the County Executive to make said purchase or contract without compliance with the terms and conditions of this section. Nothing in this section shall be applicable to the engaging of an independent auditor or the awarding of contracts for professional services.

Section 803. Conformity to budget limitations.

No delivery of supplies, materials or equipment shall be made to any department or agency at a cost in excess of the available appropriation therefor.

Article IX. Miscellaneous Provisions

Section 901. Separability provisions.

If any Article, section or provision of this Charter is held, by any court decision that has become final, to be invalid, ineffective or inapplicable to any person or circumstance, by reason of any provision of the Maryland Constitution or any applicable public general law, then it is intended by the people of the county that all other Articles, sections or provisions of this Charter and their application to all other persons and circumstances shall be separable and shall not be affected and shall become or continue operative and in effect, in conformity with such provision of the Maryland Constitution or public general law.

Section 902. Copies of books and papers on demand.

The Council Administrator shall, with reasonable promptness, furnish to any taxpayer desiring the same, a true and certified copy of any law, ordinance or resolution passed by the County Council, upon payment in advance of a reasonable fee to be prescribed by the County Council.

Section 903. Inspection of public records.

All persons are entitled to have access to information about the affairs of government and the official acts of public officials and employees, therefor, except as otherwise provided by law, a custodian shall permit a person or governmental unit to inspect any public record at any reasonable time.^[1]

[1]

Note: This section as originally drafted expanded the common law right of access from "interested persons" to "any taxpayer." It is the intent of the Council to permit access to public records to the extent permitted by the Maryland Public Information Act, Title 10, Subtitle 6, Part III of the State Government Article.

Section 904. Independent audit.

A.

Required annually. A complete independent audit of all financial transactions, books and records of the county and its officials and employees receiving and disbursing public funds of the county, or handled by the county for other agencies, shall be made at least annually. For this purpose, the County Council shall engage a firm of certified public accountants selected on the basis of their knowledge of the procedures and principles of accounting and auditing and experience with such accounting and auditing. This transaction shall be exempt from the provisions of Article VIII, Section 801, "Competitive bidding" of this Charter.

B.

Inspection. The complete audit shall be filed with the County Executive, and copies shall be open to public inspection.

Section 905. County Seal.

In accordance with the powers granted to chartered counties of this state by public general law, the County Council shall, by ordinance, adopt a County Seal, and thereafter it may use and alter the same at pleasure. The seal shall contain the corporate name of the county and such other information or insignia as the County Council may determine. The County Executive and such other officers as may be specified by resolution of the County Council shall have power to attest to the County Seal.

Section 906. Subpoena power.

The County Council, the County Executive and the County Personnel Board shall have the power to administer oaths, to compel the attendance of witnesses and to require the production of records and other materials in connection with any investigation, inquiry or hearing authorized by this Charter or by law.

Section 907. Compilation of laws.

A.

Laws and regulations. As soon as practicable after March 1 of each year, the County Attorney shall prepare and publish a pamphlet, with an index, of the laws enacted and of all rules, regulations and ordinances issued or approved during the preceding calendar^m year.

[1]

Editor's Note: So in original. Probably should read "calendar."

B.

Codifications. The County shall provide for the compilation and codification every 10th year of all public local laws of the county heretofore enacted by the General Assembly and hereafter enacted by the County Council; the Charters of all municipalities in said county and the amendments thereto; and all rules, regulations and ordinances having the force and effect of law heretofore issued or approved by the County Council or hereafter issued and approved by the County Council, which are in force on August 15 of such year. Each such codification shall be promptly published in a volume, together with this Charter, an index and appropriate ancillaries as determined by the County Council.

Article X. Manner of Terminating This Charter and Making Amendments Thereto

Section 1001. Termination.

The County Council may, by legislative act approved by the affirmative vote of at least five (5) members, propose the termination of this Charter and the return of the county to the form of government in effect prior to the adoption of this Charter. The same proposal may be made by petition signed by twenty per centum (20%) or more of the registered voters of the county, or ten thousand (10,000) or more of such registered voters in case twenty per centum (20%) is greater than ten thousand (10,000). Such petition shall conform with the requirements of Article XI-A of the Constitution of the State of Maryland and shall be filed with the County Executive. The question so proposed by act of the County Council or by petition shall be published by the County Executive in one (1) or more newspapers of general circulation in the county once each week for five (5) successive weeks prior to the next general election or congressional election occurring after the passage of such act or the filing of such petition. At such election, the question shall be submitted to the voters of the county, and if the majority of votes cast on the question shall be in favor of repealing this Charter, then, at the next quadrennial election, County Commissioners shall be elected under the public general laws of the State of Maryland. When the County Commissioners so elected have qualified for office, this Charter shall terminate. All laws, regulations and ordinances in effect at the termination of this Charter shall remain in force until changed by action of the General Assembly of Maryland, or the Board of County Commissioners, as provided by the Constitution and public general laws of this state.

Section 1002. Amendment.

A.

Proposal. Amendments to this Charter may be proposed by resolution^m of the County Council approved by not less than five (5) of its members, and such resolution shall be exempt from veto. Amendments may also be proposed by petition filed with the County Executive and signed by a number of registered voters in the county at least equal to twenty per centum (20%) of the number of voters who voted in the previous presidential election, or ten thousand (10,000) registered voters whichever is less.

[Amended 8-7-2012 by Res. No. 131-2012]

[1]

Note: Charter revised to permit Amendments proposed by "resolution" to comply with Maryland State Constitutional provisions. Article XI-A, Section 5.

B.

Adoption. The amendments so proposed, by act of the County Council or by petition, shall be published by the County Executive in one (1) or more newspapers of general circulation in the county once each week for five (5) successive weeks prior to the next general election or congressional election occurring after the passage of such amendments or filing of such petition. At such election, the question shall be submitted to the voters of the county at the next general or congressional election occurring after the passage of said act or the filing of said petition; and if at said election the majority of votes cast on the question shall be in favor of the proposed amendment, such amendment shall stand adopted and become a part of this Charter from and after the 30th day following said election.

C.

Charter Review Committee. The County Council shall, at least once every ten (10) years appoint a Charter Review Committee for the purpose of reviewing the Charter in full and submitting recommendations to the County Council.

Article XI. Definitions and Rules

Section 1101. Listed.

A.

The following words have the precise definitions used in this Charter:

1.

The word "bill" shall mean any measure introduced in the County Council for legislative action.

2.

The words "act," "Ordinance," "public local law" and "legislative act," when used in connection with any action by the County Council, shall be synonymous and shall mean any bill enacted in the manner and form provided in this Charter.

[1]

Note: Definition of "ordinance" modified to conform to usage of that term in State Law.

3.

The word "Regulation" shall be a measure, rule or bylaw adopted by the County Council under authority of a public general law or public local law giving it the right to pass such regulation.

4.

The word "resolution" shall mean a measure adopted by the County Council having the force and effect of law but of a temporary or administrative character.

5.

The word "law" shall be construed as including all acts, ordinances, public local laws and other legislative acts of the County Council in Legislative Session, all regulations and resolutions of the County Council, all ordinances and resolutions of the County Commissioners not hereby or hereafter amended or repealed and all public general laws and public local laws of the General Assembly in effect from time to time after the adoption of this Charter, whenever such construction would be reasonable.

6.

The words "passage" and "adoption," when used in connection with the legislative acts of the County Council, shall mean the action by the Council in approving any item of legislative business prior to expiration of the time when such legislation may be vetoed or submitted to referendum of the voters as heretofore provided in this Charter.

7.

The word "enactment" shall mean the action or means whereby any bill after its passage attains the status of law.

8.

"Assessable basis" shall be defined as the total assessed value of all property which is subject to the full county tax.

9.

The word "state" shall mean the State of Maryland.

10.

The word "shall" shall be construed as mandatory, and the word "may" shall be construed as permissive.

11.

The word "person" shall include the words "corporation," "partnership," "limited liability company," "association" and all other legal entities, unless such a construction would be unreasonable.

12.

The word "officer" shall include the word "Council Member."

13.

Whenever in this Charter the masculine gender is used, such words shall be construed to include the feminine gender, except where such construction would be absurd or unreasonable.

14.

The words "hereafter" and "heretofore" shall refer to the effective date of this Charter, unless such a construction would be unreasonable.

Article XII. Transitional Provisions

Section 1201. Reference in State Constitution and Laws to County Commissioners.

In accordance with the provisions of Article XI-A of the Maryland Constitution, all references in the Constitution and the laws of this state to the County Commissioners shall, at such time as this Charter becomes effective, be construed to refer to the County Council whenever such construction would be reasonable. The County Council shall succeed to all powers heretofore vested in the County Commissioners by the Constitution and laws of this state.

Section 1202. The County Treasurer; bond of Director of Finance.

The office of County Treasurer shall stand abolished and all his powers and duties shall be performed by the Director of Finance, as provided in Article V of this Charter. Unless otherwise hereafter provided by law, the Director of Finance shall give the same bonds for the faithful performance of his duties as are now required of the County Treasurer. All references in the law to the County Treasurer shall, after the abolition of said office, be construed to refer to the Director of Finance whenever such construction would be reasonable.

Section 1203. Existing laws.

The public local laws of Wicomico County and all rules, regulations, resolutions and ordinances of the County Commissioners in force at the time of the effective date of this Charter are hereby repealed to the extent that they are inconsistent with the provisions of this Charter, but not further; and to the extent that they are not hereby repealed because of such inconsistency, all such public local laws, rules, regulations, resolutions and ordinances shall continue in full force and effect until repealed or amended; provided, nevertheless, that notwithstanding, any inconsistency with the provisions of this Charter, all laws relating to the borrowing authority of the County Commissioners in force at the time of the adoption of this Charter shall remain in full force and effect and may be exercised by the County Council until after the general election to be held in November 1966.

Section 1204. Existing County Seal.

Until a new County Seal shall have been adopted by the County Council pursuant to the requirements of Article IX, Section 905, of this Charter, the Seal of the Board of County Commissioners shall be and remain the official seal of the county.

Section 1205. Schedule of transition.

This schedule is part of the Charter and the provisions contained herein are of the same force and effect as those contained in the other articles of this Charter, but differ only in that their effect is of limited duration and expire in accordance with their own terms. The grouping of sections in this schedule under the titles of the various articles of the Charter is intended for convenience only and not as a limitation on the applicability of the sections. It is the intent of this schedule to ensure that the county government continue to operate in substantially the same manner as existed under the Charter in effect prior to December 7, 2004 until December 5, 2006.

A.

The taking of effect of this Charter, or any provision thereof shall not of itself affect the tenure, term, status, or compensation of any appointed officer or employee of the county then holding office, except as provided in this Charter.

B.

Until December 5, 2006, reference to the County Executive, Director of Administration or Council Administrator in Sections 310, 314, 506, 507, 601, 602, 603 through 609, 902, 904 and 1002 shall mean the County Council.

C.

Until December 5, 2006, reference to the County Executive in Section^u 102, 505, 801, 802, 905, 906, 1001, and 1002 shall mean the Administrative Director.

Legislat

[1]

Editor's Note: So in original. Probably should be "Sections."

C.

^uUntil December 5, 2006, the officers of the County Council, their respective duties and functions shall be as specified in Section 302 of the Charter in effect prior to December 7, 2004.

[2]

Editor's Note: So in original. Probably should be "D," with subsequent Subsections D through J redesignated as Subsections E through K.

D.

Sections 303, 304, 305, 315 shall become effective on December 5, 2006.

E.

Prior to December 5, 2006, emergency legislation shall take effect upon enactment. All other legislation shall take effect sixty days, following the date on which it is enacted, unless a later date is prescribed in the legislation.

Execut

F.

Sections 401 through 414 of Article IV shall become effective on December 5, 2006, but a County Executive shall be elected pursuant to Section^u 403 and 405 in 2006. Until December 5, 2006, the County Council shall continue to exercise all executive powers vested in it by the Charter in effect prior to December 7, 2004.

[3]

Editor's Note: So in original. Probably should be "Sections."

G.

Until December 5, 2006, the Administrative Director shall continue to exercise all the duties and powers vested in him by the Charter in effect prior to December 7, 2004.

Administrative

H.

Sections 501 through 504 and 508 of Article V shall become effective on December 5, 2006. Until December 5, 2006, the Administrative Director and the County Council shall continue to exercise all authority and powers vested in it by the provisions of Sections 501 and 502 of the Charter in effect prior to December 7, 2004, including, but not limited to the appointment of the Director of Finance, Public Works and the County Attorney.

I.

Until December 5, 2006, the County Council shall retain the authority to reorganize the functions of government as specified in Section 506 of the Charter in effect prior to December 7, 2004.

Budgetary and Fi

J.

Sections 701 through 712 of Article VII shall become effective on December 5, 2006. until December 5, 2006, the budgetary and fiscal procedures shall continue as provided in Article VII, Sections 701 through 709 of the Charter in effect prior to December 7, 2004.

